

1 ANDRÉ BIROTTE JR.
United States Attorney
2 DENNISE D. WILLETT
Assistant United States Attorney
3 Chief, Santa Ana Office
JOSEPH T. McNALLY (Bar No. 250289)
4 Deputy Chief, Santa Ana Office
ROBERT J. KEENAN (Bar No. 151094)
5 Assistant United States Attorneys
U.S. ATTORNEY'S OFFICE
6 411 West Fourth Street
Suite 8000
7 Santa Ana, California 92701
Telephone: (714) 338-3597
8 Facsimile: (714) 338-3708
E-Mail: Rob.Keenan@usdoj.gov

9 Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION
15

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18
19 v.
20 PETER OJEDA, et al.,
21 Defendants.
22
23

Case No. SA CR 11-148-JVS

STIPULATION FOR ORDER
(1) CONTINUING TRIAL AND PRE-
TRIAL STATUS CONFERENCE; AND
(2) DESIGNATING EXCLUDABLE TIME
PERIODS UNDER SPEEDY TRIAL ACT

PROPOSED NEW TRIAL DATES
TRIAL: April 21, 2015
PTC: April 6, 2015

24 Plaintiff United States of America and defendants PETER OJEDA,
25 ALBERTO VARGAS, DONALD AGUILAR, JACOBO HUANOSTO, THOMAS RODRIGUEZ,
26 TYRONE RYE, RICHARD GAONA, JOSEPH LARA, RAYMOND QUEVEDO, HECTOR
27 MORENO, RUBEN HERNANDEZ, MANUEL OCHOA, SUZIE RODRIGUEZ, VANESSA
28 MURILLO, NANCY OSORIO, ANA FUERTE, and JESSE COVARRUBIAS, by and

1 through their respective counsel of record, hereby stipulate and
2 agree as follows:

3 1. The indictment was filed on June 29, 2011.

4 2. Defendants ALBERTO VARGAS, DONALD AGUILAR, JACOBO
5 HUANOSTO, JOSEPH LARA, NANCY OSORIO, ANA FUERTE, JESSE COVARRUBIAS,
6 RUBEN HERNANDEZ, SUZIE RODRIGUEZ, and VANESSA MURILLO first appeared
7 before a judicial officer of the Court on July 13, 2011. Defendant
8 PETER OJEDA first appeared before a judicial officer of the Court on
9 July 27, 2011. Defendant RAYMOND QUEVEDO first appeared before a
10 judicial officer of the Court on August 9, 2011. Defendant RICHARD
11 GAONA first appeared before a judicial officer of the Court on
12 August 10, 2011. Defendants THOMAS RODRIGUEZ, TYRONE RYE, and
13 MANUEL OCHOA first appeared before a judicial officer of the Court
14 on August 11, 2011. Defendant HECTOR MORENO first appeared before a
15 judicial officer of the Court on August 25, 2011. Defendant
16 HUMBERTO SERABIA first appeared before a judicial officer of this
17 Court on July 11, 2012.

18 3. The charges against seven of the defendants have been
19 resolved via changes of plea. One defendant (MICHAEL SANCEN) has
20 not been arraigned in this case. The charge against defendant MARIO
21 MORALES were dismissed on October 23, 2012.

22 4. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,
23 originally required that the trial of defendants commence on or
24 before 70 days from the date the last arrested defendant made his
25 initial appearance.

26 5. By prior stipulations and orders, the Court has continued
27 trial of this case to the current date: October 28, 2014.

1 6. Eighteen defendants currently remain set for trial. All
2 of the remaining defendants, except HUMBERTO SERABIA, join in this
3 stipulation to continue the trial from October 28, 2014 to April 21,
4 2015. All defendants are joined for trial and a severance has not
5 been granted.

6 7. All remaining defendants are detained pending trial,
7 except for defendants HUANOSTO, S. RODRIGUEZ, MURILLO, OSORIO,
8 FUERTE, and COVARRUBIAS, who are on bond pending trial. The parties
9 estimate that if all defendants go to trial, the trial in this
10 matter will last at least 25 days.

11 8. By this stipulation, all but one of the remaining
12 defendants (excepting HUMBERTO SERABIA) and the government jointly
13 move to continue the trial of this case from October 28, 2014 to
14 April 21, 2015. The parties further agree that the pre-trial status
15 conference should be continued from August 22, 2014 to April 6,
16 2015. The parties request the proposed continuance based upon the
17 following facts, which the parties agree demonstrate good cause to
18 support the appropriate findings under the Speedy Trial Act:

19 a. The Indictment in this case is 40 pages long and
20 charges three counts. All defendants are charged in count one with
21 a violation of 18 U.S.C. § 1960(d), Racketeer Influenced and Corrupt
22 Organizations ("RICO") conspiracy. Three defendants are charged in
23 count two with a violation of 18 U.S.C. § 1959(a)(5), violent crimes
24 in aid of racketeering. Five defendants are charged in count three
25 with a violation of 18 U.S.C. § 1959(a)(5), violent crimes in aid of
26 racketeering.

27 b. The discovery in this case is voluminous. The
28 government requested at each defendant's initial appearance that

1 each defense counsel produce a one terabyte hard drive to receive
2 discovery. The government has produced discovery to defendants in
3 this manner. The discovery produced on the defense hard-drives
4 contains numerous law enforcement reports, documents, criminal
5 history reports, consensually recorded calls, wiretap line sheets
6 and documents, and additional materials. The discovery also
7 includes approximately 75,000 recorded telephone calls intercepted
8 pursuant to court-authorized wiretaps of telephones used by some of
9 the defendants. It also includes numerous jail recordings and
10 "kites" (small written messages passed in jail) and letters
11 recovered from the Orange County Jail.

12 c. In the past several months (e.g., November 2013 and
13 February 2014), the government has produced several thousand pages
14 of additional material and additional audio recordings to
15 defendants. This discovery includes documents and recordings
16 related to a state case and two other Mexican Mafia cases, United
17 States v. Esquivel, et al., SA CR 13-168-AG, and Jose Rodriguez-
18 Landa, et al., CR 13-484-CAS. Certain defendants have requested
19 additional discovery.

20 d. Due to the nature of the prosecution, the number of
21 defendants, including the charges in the indictment and the
22 voluminous discovery produced to defendants, this case is so unusual
23 and complex that it is unreasonable to expect adequate preparation
24 for pre-trial proceedings or for trial within the Speedy Trial Act's
25 time limits.

26 e. In light of the foregoing, counsel for defendants
27 also represent that additional time is necessary to confer with
28 their respective clients, conduct and complete an independent

1 investigation of the case, conduct and complete additional legal
2 research including for potential pre-trial motions, review the
3 discovery and potential evidence in the case, and prepare for trial
4 in the event that a pre-trial disposition does not occur.

5 f. Defendants' counsel further represent that failure to
6 grant the continuance would deny each of them the time reasonable
7 and necessary for effective preparation, taking into account the
8 exercise of due diligence.

9 g. Defendants' counsel further agree that the failure to
10 grant the continuance would deny continuity of counsel and adequate
11 representation.

12 h. The time period from October 28, 2014 to April 21,
13 2015 constitutes a reasonable period of delay.

14 i. The government does not object to the continuance.

15 j. The requested continuance is not based on congestion
16 of the Court's calendar, lack of diligent preparation on the part of
17 the attorney for the government or any defendant, or failure on the
18 part of the attorney for the Government to obtain available
19 witnesses.

20 9. For purposes of computing the date under the Speedy Trial
21 Act by which defendants' trial must commence, the parties agree that
22 the time period of October 28, 2014 to April 21, 2015, inclusive, is
23 properly excludable from the computation of the time within which
24 trial of this action must commence under the Speedy Trial Act, 18
25 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), (ii), because the delay
26 results from a continuance granted by the Court at defendant's
27 request, without objection by the government, on the basis of the
28 Court's finding that:

1 (i) the ends of justice served by the continuance
2 outweigh the best interest of the public and
3 defendants in a speedy trial;

4 (ii) the failure to grant the continuance would
5 likely make trial of the case as scheduled
6 impossible, impracticable, or result in a
7 miscarriage of justice;

8 (iii) the case is so unusual and so complex, due to
9 the nature of the prosecution, the number of
10 defendants, and the voluminous discovery that
11 it is unreasonable to expect preparation for
12 pre-trial proceedings or for the trial itself
13 within the time limits established by the
14 Speedy Trial Act;

15 (iv) the failure to grant the continuance would
16 unreasonably deny defendants continuity of
17 counsel; and

18 (v) the failure to grant a continuance would deny
19 defendants' counsel the time reasonable and
20 necessary for effective preparation, taking
21 into account the exercise of due diligence.

22 10. The parties agree and stipulate, and ask the Court to
23 find, that nothing in this stipulation shall preclude a finding that
24 other provisions of the Speedy Trial Act dictate that additional

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time periods are excludable from the period within which trial must commence.

11. Defendant HUMBERTO SERABIA objects to the continuance.

IT IS SO STIPULATED.

Date: June 23, 2014.

ANDRÉ BIROTTE JR.
United States Attorney

/s/ R.J.K.
ROBERT J. KEENAN
Attorneys for Plaintiff
UNITED STATES OF AMERICA

By their respective e-signatures (which, via e-mail, they have authorized the government to affix hereto), each defense attorney listed below hereby represents on behalf of their respective client that: (1) they have conferred with their client regarding the continuance proposed herein; (2) their client is fully informed of their speedy trial rights; and (3) their client consents and agrees to the continuance proposed herein.

/s/ C.W.
Craig Wilke
Attorney for Defendant
PETER OJEDA

/s/ E.H.S.
Errol H. Stambler
Attorney for Defendant
ALBERTO VARGAS

/s/ A.M.S.
Anthony M. Solis
Attorney for Defendant
DONALD AGUILAR

/s/ N.K.
Nancy Kardon
Attorney for Defendant
JACOBO HUANOSTO

/s/ P.J.
Peter Johnson
Attorney for Defendant
THOMAS RODRIGUEZ

/s/ M.D.
Marri Derby
Attorney for Defendant
TYRONE RYE

/s/ J.F.W.
Joseph F. Walsh
Attorney for Defendant
RICHARD GAONA

/s/ D.M.P.
David M. Phillips
Attorney for Defendant
JOSEPH LARA

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 2 authorized the government to affix hereto), each defense attorney
 3 listed below hereby represents on behalf of their respective client
 4 that: (1) they have conferred with their client regarding the
 5 continuance proposed herein; (2) their client is fully informed of
 6 their speedy trial rights; and (3) their client consents and agrees
 7 to the continuance proposed herein.
 8

9
 10
 11 /s/ D.C. /s/ R.P.S. /s/ A.N.
 12 Dominic Cantalupo Robert P. Sticht Angel Navarro
 Attorney for Defendant Attorney for Defendant Attorney for Defendant
 RAYMOND QUEVEDO HECTOR MORENO RUBEN HERNANDEZ

13
 14 /s/ M.J.B. /s/ R.D.H. /s/ L.J.L.
 15 Marcia J. Brewer Robison D. Harley Lawrence J. Litman
 Attorney for Defendant Attorney for Defendant Attorney for Defendant
 MANUEL OCHOA SUZIE RODRIGUEZ VANESSA MURILLO

16
 17 /s/ S.A. /s/ G.S. /s/ T.H.W.
 18 Stephanie Ames George Steele Thomas H. Wolfen
 Attorney for Defendant Attorney for Defendant Attorney for Defendant
 NANCY OSORIO ANA FUERTE JESSE COVARRUBIAS